ESTTA Tracking number: **ESTTA33680** Filing date: **05/23/2005** 

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91160515			
Party	Defendant Bugatti International S.A. Bugatti International S.A. 8 - 10, rue Mathias Hardt LUX Luxembourg, 1717			
Correspondence Address	SUSAN B. FLOHR BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. Washington, DC 20037 flohr@blankrome.com			
Submission	Motion to Suspend for Civil Action			
Filer's Name	Susan B. Flohr			
Filer's e-mail	flohr@blankrome.com, devitis@blankrome.com			
Signature	/SBF/			
Date	05/23/2005			
Attachments	MOTION to Suspend.tif ( 39 pages )			



### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Opposition No. 91160515 In re App Serial No. 7817647- EB E	BUGATTI & Design	
Bugatti, Inc., Opposer. v. Bugatti International, S.A. Applicant.	) ) ) ) ) ) ) )	Opposition No. 91160515
Trademark Trial and Appeal Board U.S. Patent and Trademark Office P.O. Box 1451	_	

### MOTION TO SUSPEND OPPOSITION PROCEEDING

Bugatti International, S.A., Applicant in the above-entitled action, by and through its attorneys, respectfully requests that the Trademark Trial and Appeal Board suspend the instant opposition proceeding pending the resolution and final determination of Civil Action No. 05-11067 PBS, docketed as <u>Volkswagen AG</u>, <u>Volkswagen of America</u>, <u>Inc.</u> and <u>Bugatti International</u>, S.A. v. The <u>Bugatti</u>, <u>Inc.</u>, which was filed today in the United States District Court for the District of Massachusetts and which may be dispositive of this matter, T.B.M.P. § 510.02(a).

Respectfully submitted,

BUGATTI INTERNATIONAL, S.A.

BLANK ROME LLP 600 New Hampshire Avenue, NW Washington, DC 20037 (202) 772-5870

Alexandria, VA 22313-1451

(202) 572-1407

Dated: May 23, 2005

Susan B. Flohr
Michael D. White
Attorneys for Applicant



### **CERTIFICATE OF SERVICE**

The Undersigned, hereby certifies that on the 23<sup>rd</sup> day of May, 2005, she caused a copy of the foregoing MOTION TO SUSPEND OPPOSITION PROCEEDING to be served via facsimile and by first class mail on:

JOHN J. ARADO, ESQ. WILDMAN, HARROLD, ALLEN & DIXON LLP 225 WEST WACKER DRIVE CHICAGO, ILLINOIS 60606-1229

Tami DeVitis





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### CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974 is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a)	. (a) PLAINTIFFS				DEFENDANTS					
VOLKSWAGEN AG, VOLKSWAGEN OF AMERICA, INC. AND				D	THE BUGATEL, INC. 23 A 10:57					
BUGATTI, INTERNATIONAL, S.A.			-	THE BUCKETH, INC.						
(b)	County of Residence	of First Listed Plaintiff	Wolfsburg, German	ıy	County of Residence é	of First Liste	d Defendant	Suffolk Cou	ınty	
•	(EX	XCEPT IN U.S. PLAINTIFF CA	SES)		l pist	P.2.0 ND	Laintiff Gáses	ONLY)	<u> </u>	
							IATION CASES, US		ION OF THE	3
					LAND	INVOLVED.				
(c)	Attorney's (Firm Name.	Address, and Telephone Numbe	r)		Attorneys (If Known)					C
		) Margaret H. Paget (50	•	NIT)		1	106		M	
LODG	EN LLP. 101 Fede	ral Street, Boston, MA	07073) BREKIN A 02110 617 646 20	00 00	UD	1	106	<i>)</i>		
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3711	DECLIECTED IN				laintiffs without auth		olation of the	Lanham Ac	t	
VII. REQUESTED IN  CHECK IF THIS IS A CLASS ACTION  DEMAND \$ 75,000.00 + CHECK YES only if demanded in complaint:  UNDER F.R.C.P. 23  CHECK IF THIS IS A CLASS ACTION  DEMAND \$ 75,000.00 + CHECK YES only if demanded in complaint:  UNDER F.R.C.P. 23										
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VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER										
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## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS FILED /// CLERKS OF FICE

1.	Title of case (na	me of first party on each side only) Volkswagen AG et al. v. The Bugatti, Inc.
		1000 TMT 2.5 A 10.5
2.	Category in which	ch the case belongs based upon the numbered nature of suit code listed on the civil cover sheet (See local
	ruie 40.1(a)(1)).	DISTRICT OF MASS.
	I.	160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
	✓ II.	195, 196, 368, 400, 440, 441-446, 540, 550, 655, 625, 710, 720, 730, *Also complete AO 120 or AO 121 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
	111.	110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891
	lv.	380, 385, 450, 891.  220, 422, 423, 430, 460, 480, 490, 510, 530, 110, 620 630, 640, 650, 660, 7 PPS 690, 810, 861-865, 870, 871, 875, 900.
	v.	150, 152, 153.
3	Title and number district please In	r, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this dicate the title and number of the first filed case in this court.
4.	Has a prior actio	on between the same parties and based on the same claim ever been filed in this court?
	•	YES NO 7
5.	Does the compla	aint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC
	If earlie the U.C.	YES NO
	11 eo, is tile (J.3.)	A. or an officer, agent or employee of the U.S. a party?  YES NO 7
6.	Is this case requ	ired to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
		YES NO
7	Do <u>all</u> of the part Massachusetts (	ties in this action, excluding governmental agencies of the united states and the Commonwealth of "governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
		YES NO
	A.	If yes, in which division do <u>all</u> of the non-governmental parties reside?
		Eastern Division Central Division Western Division
	В.	tf no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
		Eastern Division Central Division Western Division
8.	If filing a Notice of submit a separat	of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, ie sheet identifying the motions)
		YES NO
(PL	EASE TYPE OR P	PRINT)
		David A. Brown (556161), Margaret H. Paget (567679)
		n and Lodgen LLP, 101 Federal Street, Boston MA 02110
TEI	LEPHONE NO6	17-646-2000
		(CategoryForm.wpd - 5/2/05)



# DOCKET

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